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FEB 17 2004

Date • February 17, 2004

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Name	Company	Phone	Fax
Examiner Vy Q. Bui	USPTO, Art Unit 3731	703-306-3420	703-872-9306

From • Arthur Z. Bookstein

Phone • 617-261-3153

Secretary • Debra M. Doherty

Phone • 617-261-3127

Client/Matter Name

Client/Matter Number

Attorney Number

0506850.0123

5074

COMMENTS: Re: Serial No. 09/640,865, filed: 08/18/2000,

Dear Examiner Bui,

This is further to our discussions this morning. I understand that you have ordered the file and expect to have it in a couple of days. The enclosed includes our facsimile cover sheet of January 23, 2004 with Mr. Perullo's hand notes of January 26, 2004 as well as the references and our fax confirmation sheet indicating that the transmission on January 23, 2004 was completed. Please call me after you have received this and when you have received the file. Thank you for your assistance.

Arthur Z. Bookstein

When you are sending to us, please be sure to include a cover sheet with your transmittal and a telephone number where you can be contacted in case of equipment malfunction.

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IMPORTANT: The materials transmitted by this facsimile are sent by an attorney or his/her agent, and are considered confidential and are intended only for the use of the individual or entity named. If the addressee is a client, these materials may also be subject to applicable privileges. If the recipient of these materials is not the addressee, or the employee or agent responsible for the delivery of these materials to the addressee, please be aware that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us at 617.951.9180 (collect) and return the transmitted materials to us at the above address via the U.S. Postal Service. We will reimburse you any costs incurred in connection with this erroneous transmission and your return of these materials. Thank you. Please report problems with reception by calling 617.951.9180.

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Kirkpatrick & Lockhart LLP

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Boston, MA 02109-1808
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Fax: 617.261.3175

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Name	Company	Phone	Fax
Examiner Vy Q. Bui	USPTO, Art Unit 3731	703-306-3420	703-872-9306

From • John F. Perullo

Phone • 617-261-3147

Secretary • Debra M. Doherty

Phone • 617-261-3127

Client/Matter Name

Client/Matter Number
0506850.0123

Attorney Number
5074

COMMENTS: Re: Serial No. 09/640,865, filed August 18, 2000

SEE ATTACHED REMARKS AFTER NOTICE OF ALLOWANCE

* **NOTE** - CALLED EXR BUI ON 1/26/04. HAD NOT YET RECEIVED FAX.
I EXPLAINED THAT TWO MEDICAL JOURNAL ARTICLES WERE SENT
SHOULD HAVE ALREADY BEEN IN THE FILE AND CONSIDERED.
NO RCE REQUIRED. EXR STATED HE WOULD GET THE CASE
BACK AND CONSIDER THE REFERENCES RIGHT AWAY.

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*** TRANSMISSION REPORT ***

PRINT TIME 01/23 '04 12:37 ID:KIRKPATRICK & LOCKHART

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FILE START No. TIME	MODE	LOCATION	STORE PAGE	TX/RX PAGE	TOTAL TIME	CODE
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Date • January 23, 2004

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Name	Company	Phone	Fax
Examiner Vy Q. Bui	USPTO, Art Unit 3731	703-308-3420	703-872-9306

From • John F. Perullo

Phone • 617-261-3147

Secretary • Debra M. Doherty

Phone • 617-261-3127

Client/Matter Name

Client/Matter Number

Attorney Number

0806850.0123

6074

COMMENTS: Re: Serial No. 09/640,865, filed August 18, 2000

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PATENT
ATTORNEY'S DOCKET NO.: B0762/7003D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Adrian Ravenscroft et al. Confirmation No.: 5213
SERIAL NO.: 09/640,865
FILED: August 18, 2000
FOR: REMOVABLE EMBOLUS BLOOD CLOT FILTER AND FILTER
DELIVERY UNIT
EXAMINER: Vy Q. Bui
ART UNIT: 3731

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile (703-872-9306) to Examiner Vy Q. Bui in Group Art Unit 3731 at the U.S. Patent and Trademark Office on January 23, 2004.

John F. Perullo
(Typed or Printed Name of Person Signing Certificate)


(Signature)

MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Sir:

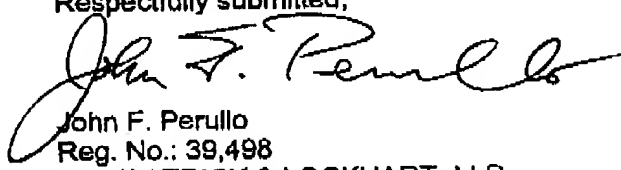
Transmitted herewith for filing is/are the following document(s):

☒ Remarks After Notice of Allowance (with copies of two articles not considered)

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617) 261-3100, Boston, Massachusetts.

A check in the amount of \$_____ is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 50-1721. A duplicate of this sheet is enclosed.

Respectfully submitted,


John F. Perullo
Reg. No.: 39,498
KIRKPATRICK & LOCKHART, LLP
75 State Street
Boston, Massachusetts 02109-1808
Tel.: (617) 261-3100
Customer No.: 022832

ATTORNEY DOCKET NO.: B0762/7003D1
DATE: JANUARY 23, 2004

PATENT
ATTORNEY'S DOCKET NO.: B0762/7003D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Adrian Ravenscroft et al. Confirmation No.: 5213
SERIAL NO.: 09/640,865
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John F. Perullo
(Typed or Printed Name of Person Signing Certificate)


(Signature)

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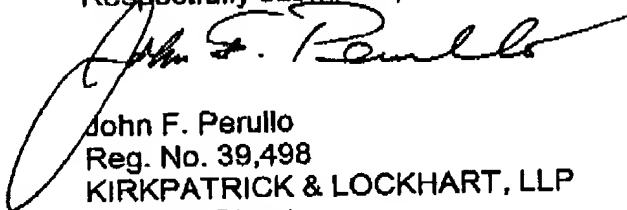
Sir:

Attached are two articles that were previously cited in an IDS filed on December 5, 2003, in the above-identified application. Because the two articles were previously cited in a parent application, additional copies of the articles were not provided in that IDS. Accompanying the notice of allowance mailed December 16, 2003, were copies of the 1449 form filed with our December 5, 2003, IDS indicating that the two articles were not considered. Additionally, a handwritten note on the 1449 form indicated that the references were "not in the file". Applicants maintain that the references were previously provided to the Patent Office and should be in the file. If the references have become lost from the file, applicants should not be penalized by being required to file

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an RCE with an IDS citing the references again now that a notice of allowance has been issued for the application. Applicants request consideration of the two articles in the current application prior to issuance of the patent so that the references will be cited on the face of the issued patent.

Respectfully submitted,



John F. Perullo
Reg. No. 39,498
KIRKPATRICK & LOCKHART, LLP
75 State Street
Boston, Massachusetts 02109-1808
Tel: (617) 261-3100
Attorneys for Applicant
Customer No.: 022832

Docket No.: B0762/7003D1
Date: January 23, 2004